

REMARKS

This Response is being submitted in response to the Office Action dated December 18, 2009. Claims 1-24 and 26 are cancelled, claim 25 is hereby amended. No other claims are added, amended or cancelled. Claim 25 remains pending in this application. Reconsideration and reexamination are respectfully requested.

Applicant respectfully notes that the cancellation of claims 1-24 and 26 is without prejudice to there-filing of the subject matter thereof in a continuation or divisional application at a later time. Applicant does not admit any unpatentability thereof by this present cancellation.

Rejections Under 35 U.S.C. § 103

Applicant respectfully submits that the § 103 rejections of claims 1-5, 7-12, 14, 15, 17, 19, 20, 22, 24, and 26 are currently moot in view of the current cancellations. Thus, Applicant will not address any further here the rejections of claims 1-5, 7-12, 24, and 26 as being purportedly unpatentable over Cassel (US 2002/0128285, hereinafter “Cassel”), nor, separately, whether claims 1-5, 7-9, 19-20, 22, 24, and 26 should continue to stand rejected under 35 USC 103(a) as purportedly being unpatentable over Samuels et al. (US 2002/0006435 A1, hereinafter “Samuels”); nor whether, claims 14-15 should be rejected as purportedly unpatentable over Cassel in view of Lutz et al. (US 5,750,139, hereinafter “Lutz”), nor the status of claim 17 as rejected as purportedly unpatentable over Cassel in view of Santana et al. (US 2003/0103955 A1, hereinafter “Santana”). Applicant continues to respectfully adhere to his position of patentability for all of the previously pending claims over the cited art.

Even so, all of the obviousness rejections are thus obviated and/or traversed and can be withdrawn. Action to this end is respectfully requested.

Rejections Under 35 U.S.C. § 112

Claim 25 stands rejected under section 112, second paragraph as allegedly indefinite.

Applicant disagrees with the assertion of indefiniteness; however, has amended claim 25 herein and this rejection is moot. Withdrawal is respectfully requested. Applicant notes that the amendment is not a narrowing amendment as the subject matter remains the same regardless the nominatives used for the materials thereof and thus no disclaimer is applicable or should be presumed.

Allowable Subject Matter

Applicant respectfully submits that Claim 25 is thus directed to allowable subject matter.

CONCLUSION

Applicant notes that all rejections are obviated or traversed and respectfully requests that they thus be withdrawn. A timely Notice of Allowance is thus requested to be issued in this case. Applicant believes that other than the extension of time fees, no other fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefore and authorization to charge Deposit Account No. 02-2093 as necessary.

Dated: June 16, 2010.

Respectfully submitted,

/peterbscull/

Peter B. Scull, Registration No. 37,932
Attorney for Applicant
BERENBAUM WEINSHIENK PC
370 Seventeenth Street, Suite 4800
Denver, Colorado 80202
Tel: 303-825-0800 Fax: 303-629-7610